SUPREME COURT OF THE UNITED STATES.

No. 35.

ANN BUYCK & AL., APPELLANTS,

vs.

THE UNITED STATES.

ON APPEAL FROM THE SUPERIOR COURT OF EAST FLORIDA.

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Langtree & O'Sullivan, Print.

Before the Honorable Robert Raymond Reid, Judge of the Superior Court for the District of East Florida, and specially authorized by law to receive and adjudicate claims and titles to lands in the District of East Florida.

Be it remembered, that, on the twenty-third day of May, in the year of our Lord one thousand eight hundred and twenty-nine, Ann Buyck, widow of Don Augustin Buyck, deceased, and the unknown heirs of said Buyck, by their attorneys, brought and filed in the clerk's office of the superior court for said district, their petition or claim to certain land therein mentioned; which said petition or claim is in the words and figures following, to wit:

Petition to the Court.

SUPERIOR COURT *for the Eastern District*
Of the Territory of Florida.

ANN BUYCK, widow of Don Augustin Buyck, dec'd, and the unknown heirs of said Buyck,
vs.
THE UNITED STATES.

Petition for confirmation of claim to lands.

To the Honorable Joseph L. Smith, Judge of the Superior Court for the Eastern District of the Territory of Florida, and specially authorized by an act of the Congress of the United States to receive and adjudicate claims to lands within the said district:

Your petitioners, the aforementioned Ann Buyck, widow of Don Augustin Buyck, deceased, and the unknown heirs of said Buyck, respectfully shew unto your honor that they claim title to a tract of land containing fifty thousand acres of land, within the eastern district of the Territory of Florida aforesaid, and within the jurisdiction of this honorable court, situate, lying, and being on the south and north of the Musquito river.

And your petitioners, that is to say, the aforesaid Ann Buyck, widow as aforesaid, and the unknown heirs of said Buyck, further shew that they claim title to said tract as heirs of said Buyck, deceased, as aforesaid.

And your petitioners further shew unto your honor, that their claim and title to said tract of land containing fifty thousand acres as aforesaid, is derived from, and founded upon, a Spanish grant, [hereunto annexed, and here to the court now shewn, marked exhibit A,] bearing date the twenty-ninth day of July, in the year of

our Lord one thousand eight hundred and two, and signed by His Excellency Don White, Governor and commander in chief of the Province of Florida.

And your petitioners further shew that the said tract of land containing fifty thousand acres as aforesaid, was granted, with the condition that the aforementioned Augustin Buyck, from whom your petitioners, as aforesaid, heirs as aforesaid, derive title, "*cannot*" cede any part of it to any individual without the consent and approbation of the Government of Spain.

And your petitioners aver and declare that that condition never has been violated, the aforesaid Buyck in his life time never having ceded any portion of it to any individual, nor your petitioners' heirs as aforesaid, since his death.

And your petitioners further shew, that their claim to said tract of land so claimed by them was submitted to the examination of the Board of Commissioners appointed under and in virtue of an act of the Congress of the United States of America, entitled "An act amending and supplementary to an act for ascertaining claims and titles to lands in the Territory of Florida, and to provide for the survey and disposal of the public lands in Florida," passed the third day of March, in the year of our Lord one thousand eight hundred and twenty-three, but was not by the said commissioners recommended to Congress for confirmation.

And your petitioners further shew, that the lands so claimed by them, and situated as aforesaid within the eastern district of the Territory of Florida, and within the jurisdiction of this honorable court as aforesaid, is embraced by the treaty between Spain and the United States of the twenty-second of February, one thousand eight hundred and nineteen; that their claim to said land has not been decided or finally settled under the provisions of the act of the Congress of the United States, entitled "An act supplementary to the several acts providing for the settlement and confirmation of private land claims in Florida," passed the twenty-third day of May, in the year of our Lord one thousand eight hundred and twenty-eight, or of any of the acts to which the said last recited act is supplementary; that the said tract of land so claimed by your petitioners contains a greater quantity of land than the commissioners appointed under the said act of Congress were authorized to decide, and above the quantity confirmed by the aforementioned act of Congress, passed the twenty-third day of May, in the year of our Lord one thousand eight hundred and twenty-eight; and that the said claim of your petitioners to the said land has not been reported by the said commissioners appointed under any of the aforesaid acts of Congress, or any other, or by the register and receiver acting as such under the several acts of the Congress of the United States in such case made and provided, as antidated or forged; and that the said claim hath not been annulled by the aforesaid treaty between Spain and the United States, nor by the decree ratifying the same.

Wherefore your petitioners pray that the validity of their claim to

said tract of land may be enquired into and decided upon by this honorable court; and that, in pursuance of an act of Congress for that purpose, in that case made and provided, the United States be made a party defendant to this petition; and that process in this behalf do forthwith issue against Thomas Douglas, Esquire, the attorney for the United States in this eastern district of Florida, according to the provisions of the said act of Congress above alluded to. And your petitioners, as in duty bound, will every pray.

FLOYD & GIBSON,
Attorneys for petitioners.

A copy of the foregoing petition, with a citation thereto annexed, was delivered to the marshal of this district, to serve on the attorney of the United States for the same district, and the return of the said marshal thereon is in the words and figures following, to wit:

„ Executed by copy this 22d day of June, 1829.
"ISRAEL SMITH,
Depty. Marshal."

And afterwards before the superior court for the district of East Florida, holden at the court house in the city of St. Augustine, at the term of July, in the year of our Lord one thousand eight hundred and twenty-nine, to wit: on Tuesday the fourth day of said term, and the twenty-first day of said month, the following entry of record was made in this cause, to wit:

Motion of United States to dismiss.

ANN BUYCK and others
vs.
THE UNITED STATES. } Land claim.

Now on this day came as well Thomas Douglas, Esq., United States Attorney for this district, as the said petitioners by their counsel and the said district attorney moved the court to dismiss this suit on the ground that the petition was filed after the expiration of the one year, limited by the act of Congress of the 23rd May, 1828, which provides for the institution of suits of this description against the United States; but it appearing to the satisfaction of the court that the said petition was filed on the 23rd day of May last, considered that it was filed in time, and overruled said motion. Whereupon the said district attorney moved the court to strike out so much of the amendment which had been made in the petition in this case since the 23rd day of May last, as increases the number of acres claimed from twenty to fifty thousand acres; but it appearing to the satisfaction of the court that a copy of the document under which the petitioners claim had been filed with the petition as an exhibit in this cause, and made a part of the said petition, and that said exhibit shewed that the grant called for

fifty thousand acres, considered the error in drafting the petition as merely clerical, and overruled the said motion.

And afterwards, on the same twenty-first day of July, in the year of our Lord one thousand eight hundred and twenty-nine, Thomas Douglas, Esquire, United States attorney for the district of East Florida, brought and filed in the clerk's office aforesaid, his anwer to the said petition; which said answer is in the words and figures following, to wit:

Answer of United States Attorney.

SUPERIOR COURT, *November Term*, 1829.

THE UNITED STATES OF AMERICA,
ats.
ANN BUYCK, and others.

The answer of Thomas Douglas, United States attorney for the district of East Florida, to the petition or bill of complaint of Ann Buyck, who claims, as widow of Augustine Buyck, deceased, and who claim as heirs of said Augustine Buyck.

The said attorney, in the name and for and on behalf of the United States, saving and reserving to them, now and at all times hereafter, all and all manner of benefit of exception to the manifold errors, defects, and irregularities in the said petition or bill of complaint contained for answer thereunto, or unto so much thereof as it is material and necessary for them to answer unto, answereth and saith: That whether any such grant of land was ever made or not by the said Governor White to the said Augustin Buyck, as is in the said petition alleged, set forth, and described, and specially referred to as exhibit A, to the said petition or bill of complaint annexed, this respondent has no knowledge except what he has derived from a perusal of the said petition or bill of complaint, and the said exhibit A thereunto annexed as aforesaid, and cannot, therefore, either admit or deny the same, but respectfully prays this honorable court that the said petitioners may be required to show and prove, on the hearing of this cause, the making and execution of the said supposed grant, if any such was ever made, and of all the matters and things in the said petition or bill of complaint thereof alleged and set forth, as they are therein stated according to law and the usages of courts of equity.

And this respondent avers, that if any such grant was ever made in manner and form aforesaid, it was made contrary to and in violation of the laws, ordinances, and royal regulations of the government of Spain, which were in force in the said province of East Florida at the time when the said supposed grant is alleged to have been made as aforesaid, providing for the granting of lands in its provinces, of which said provinces the said East Florida was then one, and without any power or authority on the part of the said Governor White, to

make it, and that it was never approved by the said government of Spain, and that it was and is wholly null and void, as will more fully appear by reference to the aforesaid laws, ordinances, and royal regulations; all of which this respondent prays leave to introduce and read on the hearing of this cause.

And this respondent farther saith, that if any such grant of lands was made as aforesaid, by the said Governor White to the said Augustin Buyck, the said Governor White was induced to make the same by the representations of the said Augustin Buyck, to wit: that he the said Augustin Buyck had in his possession a great number of new imported negroes, and that there were some white people, natives of the United States of America, who offered to associate with him, the said Augustin Buyck, in order to settle and cultivate the said lands. And this respondent farther avers, that the said Augustin Buyck, previous to the date of the said supposed grant, and as a condition thereof, engaged himself, peremptorily to carry into execution and make good the said settlement and establishment upon the said tract of land within the time embraced between the twenty-second day of July, in the year one thousand eight hundred and two [the time when the petition of the said Augustin Buyck to the said Governor White for the said tract of land bears date,] and the month of December of the same year, and that the said grant was made upon that express condition, [if it was made at all,] as appears by the shewing of the said petitioners themselves. And this respondent avers, that the said Augustin Buck did not make any such settlement upon the said tract of land within the time last above described, but wholly failed and neglected so to do; and that the said supposed grant, if any such was made as aforesaid, became thereby wholly inoperative, null, and void; and that if it did not, the said Augustin Buyck and the said petitioners by a total failure to occupy, cultivate, or improve the said tract of land in any manner whatever, ever since the time last abovementioned, have wholly forfeited and lost all right and title, if any they ever had, to the said land.

And this respondent farther saith, that at the time when the said supposed grant is alleged to have been made as aforesaid, it was, and for a long space of time had been, the fixed and settled policy of the Government of Spain, to parcel out its colonial domain in reference to the sole objects of increasing the population of its provinces, and of benefiting its indigent subjects; and that, according to that policy, grants for the purpose of speculation were never approved or tolerated by the said government, and that the said grant was obtained by the said Augustin Buyck [if it was obtained at all] for the purpose of speculation only.

And this respondent farther saith, that no power had been conferred by the said Government of Spain upon the said Governor White, at the time when the said supposed grant is alleged to have been made as aforesaid, to make grants of land in East Florida, of the magnitude and description of the one now claimed and described by the petitioners aforesaid in this suit, nor is it pretended or alleged

by the said petitioners in their said petition or bill of complaint, that any such power or authority had been conferred by the said Government of Spain upon the said Governor White, or that the said Governor White was vested with or possessed any power or authority whatever to make the said supposed grant. And this respondent farther prays this honorable court, that the said petitioners may be required to show and prove, upon the hearing of this cause, the specific powers which had been conferred by the said Government of Spain upon the said Governor White, at the time when the said supposed grant, is in the said petition or bill of complaint aforesaid alleged to have been made, [if any such power had then been conferred] to make grants of land in East Florida aforesaid; and particularly, that they may be required to shew and prove the specific powers under which he claimed to act in making the said supposed grant [if, indeed, any such grant was ever made by him, which is by no means admitted.]

And this respondent farther avers, that the claim of the said petitioners to the aforementioned fifty thousand acres of land was not brought by petition before this honorable court, within one year from the passage of the act of the Congress of the same United States, entitled "An act supplementary to the several acts providing for the settlement and confirmation of private land claims in Florida, which was approved on the 23rd day of May, in the year of our Lord one thousand eight hundred and twenty-eight; and that the aforesaid claim of the said petitioners is therefore forever barred both at law and equity; and that no action at common law or proceeding in equity can be sustained thereon in this or any other court whatever; and that this court cannot take cognizance of, or exercise any jurisdiction in, this case against the said United States.

And this respondent admits, that the claim of the aforesaid petitioners to the said fifty thousand acres of land was by them submitted to the examination of the board of commissioners, in the said petition or bill of complaint mentioned, as they have therein stated; and avers, that the said board of commissioners rejected the same, as will more fully appear by reference to their report thereon, a copy of which, taken from page 67 of the report of the Secretary of the Treasury of the 14th January, 1830, to the Senate of the United States, transmitting a final report on private land claims in East Florida, is hereunto annexed as a part of this answer, and made exhibit A in this cause.

And now, having fully answered all the matters and things in the said petition or bill of complaint contained and alleged, the said attorney prays, that the said United States may be hereof discharged, and that their reasonable costs and charges by them, in and about the defence of this suit, paid, laid out, and expended, may be adjudged and decreed to them, &c.

THOS. DOUGLAS,
United States Attorney, &c.

Report of Land Commissioners.

Exhibit A, referred to in the foregoing answer.

Augustin Buyck, claimant. No. 85. 50,000 acres.

The memorial of this party, the governor, in 1802, and his memorial to this board in 1823, present a curious contrast. In 1802 he says to the governor, "that possessing an increased number of new negroes, and some white natives of America, desiring to associate with him, &c., he solicits 50,000 acres of land at Musquito," not wishing to exclude Ambrose Hull, who, *though then* driven *away* by the Indians, is determined to return *as soon as an increased number of settlers* shall afford him protection; but adds, "that no obstacle should be allowed to prevent the grant to him because grants of the same kind have been made to others, they having spent so much time without taking any steps towards the cultivation pretended, *any right they have had is lost.*" The petitioner promises peremptorily to make good the said establishment between this [22d July, 1802,] and the month of next December, "which time being past, it will remain at your excellency's discretion to grant that territory to whoever may ask for it." He goes on to say, "a considerable number of planters, whom the subscriber offers to bring to that place, will have a sufficient field force to fulfil the royal intentions, and *restrain the rapacity of the savages*, who have up to this time infested the plantations established to the north [quere, south] of this city." The lands are granted on the condition, "that he cannot cede them away without permission." In his petition for the land, he gives, as an inducement to the grant, a pledge to repress the Indians. In his memorial to us, he gives, as a reason for not cultivating the lands, the hostility of these Indians, to suppress whom he had pledged himself. It is too absurd for argument. The claimant has tendered a receipt for 30 dollars, paid by him as a tax on his property in 1803. This is the first time we have learned that Spanish planters were assessed in taxes. Charles W. Clarke swears that Buyck settled here in 1792, and was driven off by the savages in 1800. It appears in Buyck's petition for land, No. 84, that he lived at another place, as he there declares; that he had sold or commuted some other lands, of which he speaks. If the evidence is intended to apply to either of these cases, Mr. Clarke is mistaken. The first grant is made in 1797, but the testimony of Mr. Clarke is perfectly correct, as explained by the party's memorial in the case alluded to. These cases are therefore rejected, because the party does not prove continued possession, nor can the hostility of the savages be received as an excuse, when the largest grant made, if made at all, was induced by the promise of Buyck to suppress them: we will add, that there is no evidence that the grant of 50,000 acres was ever in the office of the archives, and that Governor White was not in the habit of making large grants on slight causes.

And afterwards, to wit, on the second day of October, in the year of our Lord one thousand eight hundred and thirty-two, the said claimants, by their attorney, brought and filed in the clerk's office aforesaid their replication; which is in the words and figures following, to wit:

SUPERIOR COURT, in Chancery.

ANN BUYCK and others
vs.
THE UNITED STATES. } Land claim.

Replication.

These replicants saving and reserving to themselves all and all manner of advantage of exception, which may be had and taken to the manifest errors, uncertainties, and insufficiencies of the answer of the said defendants, for replication thereunto say, that they do and will aver, maintain, and prove their said bill to be true, certain, and sufficient in the law to be answered unto by the said defendant, and that the answer is very uncertain, evasive, and insufficient in the law to be replied unto by the replicants, without that, that any other matter or thing in the said answer contained, material or effectual in the law to be replied unto, and herein and hereby well and sufficiently replied unto, confessed, or avoided, traversed, or denied, is true; all which matters and things, these replicants are ready to aver, maintain, and prove, as this honorable court shall direct, and humbly pray as in and by their said bill they have already prayed.

D. LEVY, *Solicitor for Claimants.*

And afterwards, before the superior court for the district of East Florida, holden at the court house in the city of St. Augustine, at the term of July, in the year of our Lord one thousand eight hundred and thirty-five, to which term this cause had come by regular continuance, to wit, on Wednesday, the eighteenth day of said term, and the fifth day of the month of August; the following entry of record was made in this cause, to wit:

Leave to amend Petition.

ANN BUYCK and others
vs.
THE UNITED STATES OF AMERICA. } Land claim, 50,000 acres.

This day came as well the counsel for the said claimants, as the counsel of the United States, and, on motion of the claimants' counsel, leave is given him to amend the petition filed in this case.

And afterwards, before the superior court for the district of East

Florida, holden at the court house in the city of St. Augustine, at the term of July, in the year of our Lord one thousand eight hundred and thirty-seven, to which term this cause had come by regular continuance, to wit, on Tuesday, the third day of said term, and the eighteenth day of the month of July; the following entry of record was made in this cause, to wit:

ANN BUYCK and others
vs.
THE UNITED STATES OF AMERICA. } Land claim, 50,000 acres.

This day came as well the counsel for the said claimants, as the counsel for the United States, and, on motion of the claimants' counsel, and by consent, leave is given him to amend the petition in this cause, upon the said amendment being made within sixty days from this time, and a peremptory trial had at the next term of this court, and this case is continued till the next term.

And afterwards, before the superior court for the district of East Florida, holden at the court house in the city of St. Augustine, at the term of July, in the year of our Lord one thousand eight hundred and thirty-eight, to wit, on Tuesday, the fifth day of said term, and the seventeenth of said month; the following entry of record was made in this cause, to wit:

Hearing of Cause.

ANN BUYCK and others
vs.
THE UNITED STATES. } Land claim, 50,000 acres.

This day came as well the counsel for the said claimants, as the counsel for the United States, and this cause came on to be heard this day, and the petition of the said claimants, and the answer of the attorney of the United States with the exhibit thereto, were read to the court; the claimants' counsel offered in evidence a certified copy of the memorial and grant to Augustin Buyck, for 50,000 acres of land, dated 29th July, 1802, together with a certified translation thereof, which was received in evidence without objection from the counsel for the United States; the counsel for the United States then offered in evidence a certified copy of a grant to Alexander Drysdale and others, for 25,650 acres of land, dated 7th March, 1803, together with a certified translation thereof; also, a certified copy of a grant to Henry B. Martin, for 400 acres of land, dated 3d September, 1803, together with a certified translation thereof; also, a certified copy of a grant to Samuel Betts, for 2000 acres of land, dated 8th July, 1803, together with a certified translation thereof: to the admission of said documents in evidence, the claimants' counsel objected, alleging, that the same are irrelevant: which documents were admitted in evidence,

subject to the opinion of the court on said objection. The claimants' counsel then offered in evidence a certified copy of the proceedings assessing a tax on the settlers south, dated 30th October, 1802, together with a certified translation thereof; also, a certified copy of a receipt of Bernardo Segin to Don F. Robira, as attorney for Augustin Buyck, dated October 12th, 1803, together with a certified translation thereof; to the admission of which said documents in evidence, the counsel for the United States objected, alleging, that the same are irrelevant: which documents were admitted in evidence, subject to the opinion of the court on said objection.

And the evidence and testimony in this case being now concluded, argument of counsel was heard on both sides, but there not being time to hear further argument on this day, the further hearing thereof was postponed till to-morrow morning at 10 o'clock.

And afterwards, at the same term of July, in the year of our Lord one thousand eight hundred and thirty-eight, to wit, on Wednesday, the sixth day of said term, and the eighteenth of said month, the following entry of record was made in this cause, to wit:

Hearing continued.

ANN BUYCK and others
vs.
THE UNITED STATES. } Land claim, 50,000 acres.

This day came as well the counsel for the said claimants, as the counsel for the United States, and argument of counsel was heard on the part of the claimants; but there not being time to hear further argument on this day, the further hearing thereof was postponed till to-morrow morning at 11 o'clock.

And afterwards, at the same term of July, in the year of our Lord one thousand eight hundred and thirty-eight, to wit, on Thursday, the seventh day of said term, and the nineteenth of said month, the following entry of record was made in this cause, to wit:

Cause submitted.

ANN BUYCK and others
vs.
THE UNITED STATES. } Land claim, 50,000 acres.

This day came as well the counsel for the said claimants, as the counsel for the United States, and the argument of counsel on both sides was on this day concluded, and this claim submitted to the court for its decree.

Evidence offered and read in this cause at the hearing thereof, and numbered from one to six, inclusive, to wit:

Memorial for Grant.

No. 1.

Offered and read by Claimants.

HIS EXCELLENCY THE GOVERNOR:

Don Augustin Buyck, a resident of this place, with the greatest respect appears before your excellency and says:

That, having a large number of new negroes, [negroes bozales,] and there being also some white persons, native citizens of the United States of America, who wish to join him for the settlement and cultivation of the lands at Musquito; he solicits that this government will grant him fifty thousand acres of land, south and north of said place, with the privilege of, and asking for more in proper time, as he may need it, within which lands it is not the intention of your petitioner, that the tract which your excellency granted to Don Ambrosio Hull, should be embraced, who, at this time, has abandoned the possession of his settlement, owing to Indian hostilities, but who is determined to return to said settlement in consequence of the protection that a large number of settlers in that neighborhood may afford; and that the right to the grant I pray for shall not be interrupted by the right that some individuals of this place or foreigners may have, or pretend to have, to whom part of said lands may have been granted by order of your excellency, and because the first of these persons have suffered a long time to elapse without taking any steps for the pretended cultivation of said land, which makes it appear that their right has, in some degree, become diminished, and there being others who offer to cultivate said land, in accordance with the wishes of the king, who is desirous of having the whole province settled; and as regards the latter, the same reasons apply in consequence of their not having complied with what they promised. Your petitioner promises positively to carry into effect said settlement between the period embraced from this time and the month of December next, after which period it will remain discretionary with your excellency to grant the said tract to any other person who may ask for it. The considerable number of settlers whom your petitioner offers to carry to that point, will open a vast field towards fulfilling His Majesty's will, and to refrain the savages from committing robberies and hostilities, who have by their incursions, until now, troubled the plantations situated north of the capital; and your petitioner not doubting that such considerations will have their due weight on your excellency's mind, who is always disposed to do what seems best for the service of the king

and of the country, your petitioner respectfully reiterates his prayer for this favor from the accustomed bounty of your excellency.

St. Augustine of Florida, 22d July, 1802.

(Signed) A. BUYCK.

Order for Report.

St. Augustine, July 22d, 1802. Let the engineer commandant report.

(Signed) WHITE.

Report of Engineer.

Being informed of the premises, and in compliance with the foregoing decree, I report to your excellency that the settlement and cultivation of the lands at Musquito, presents no obstacle either to the general or particular defence of the province, and so far as this department is concerned, there may be granted to the petitioner for the purposes he mentions, the number of acres which your excellency may deem proper. This is all which I have to report to your excellency, who will act in the matter at your pleasure.

(Signed) NICHOLAS BARCELO.

Grant to Buyck.

ST. AUGUSTINE, 29th July, 1802.

The land which the party solicits is granted to him, in manner as he proposes, and with the condition that he shall not cede any part thereof to any person whatever, without the knowledge and approbation of the government.

(Signed) WHITE.

A certificate was issued.

(Signed) PIERRA.

I certify that the foregoing is a correct translation of the annexed document, written in the Spanish language.

St. Augustine, July 16th, 1838.

JOHN M. FONTANE,

Translator and Interpreter S. C. D. E. F.

Memorial and Grant to Alexander Drysdale.

No. 2.

Offered and read by the U. States.

TRANSLATION.

SENOR GOBERNADOR:

Don Alexander Drysdale, a new subject of His Catholic Majesty, as agent for the families referred to in the annexed list, inhabitants of the Bahama Islands, who are determined to change their residence to this province, to avail themselves of the protection and privileges which His Majesty has been pleased to extend to new settlers in it, with the respect due to your excellency, and in consequence of the decree made by your excellency with yesterday's date, he says: That the lands which he wishes to be allotted to the families above mentioned, with the condition that possession be taken of them within the term of six months, commencing from the date hereof, as required by said decree, are those lands at Musquito, which, in the time of the British Government, were occupied by Turnbull, [but not to embrace those which are granted to Don Ambrosio Hull, Don Santiago Ormond, and to your petitioner] as well as those which had been occupied at the same period by Mr. Bisset, Capt. Ross, Mr. Penman, and Mr. McDougal.

Your petitioner therefore prays that your excellency will be pleased to ordain that the said lands be granted to the said families, so that they may be enabled to emigrate with their slaves, and to bring with them whatever may be required for their agricultural pursuits, and the necessary supplies of subsistence, until they can make crops, and upon their arrival they will take the oath of vassalage and fidelity to His Catholic Majesty: a favor which I pray for, and hope to obtain from the goodness of your excellency.

St. Augustine, of Florida, 5th of March, 1803.

ALEXANDER DRYSDALE.

DECREE.

ST. AUGUSTINE, 5th March, 1803.

Let the engineer commandant report.

WHITE.

REPORT.

In consequence of the above petition, and in compliance with the foregoing decree, I inform your excellency that the cultivation of

the lands asked for by the petitioner for the families referred to, presents no obstacle to the defence of the province; therefore, so far as the department of fortifications is concerned, there may be granted to them such quantity as your Excellency may deem proper, which is all that occurs to me to report upon the subject to your Excellency, who will be pleased to act in this matter at your pleasure.

St. Augustine, of Florida, 7th of March, 1803.

NICHOLAS BARCELO.

DECREE.

ST. AUGUSTINE, 7th March, 1803.

Let there be granted to the individuals comprehended in the annexed list, whom Don Alexandro Drysdale, a new settler, and subject of His Majesty, represents, twenty-five thousand six hundred and fifty acres of land at the places he points out, which is at the rate of one hundred acres for the head of each family, and fifty for each slave; it being understood, that this concession is made without injury to a third person, and until such time that the number of slaves shall be ascertained; when, according to such numbers, there shall be surveyed to them the quantity to which they shall be entitled; and that they shall take possession of said land in six months from the date hereof.

WHITE.

A certificate was issued. PIERRA.

List of inhabitants of the Bahama Islands, whom the undersigned, as their agent, has represented, and petitioned for lands from this government, shewing the number of persons of each family, and the number of slaves each family has:

Heads of families.	No. of persons of each family.	No. of slaves.
Juan Drysdale, . .	1	14
Juan Wood, . . .	4	90
Lewis Johnston, . .	4	60
Robert Milne, . .	1	14
Archibald Taylor, . .	5	50
Heirs of George Miller, .	3	60
Donald Ferguson, . .	1	50
Juan McIntosh, . .	5	60
Pedro Wemyss, . .	4	25
Teodoro Alexander, . .	4	50
Santiago Munro, . .	1	40
	—	—

St. Augustine of Florida, 5th March, 1803.

ALEX'R DRYSDALE.

[Here follows the certificate of Antonio Alvarez, keeper of the public archives at St. Augustine, E. F.]

I certify the foregoing to be a correct translation of a document written in the Spanish language.

JOHN M. FONTANE,
Translator and Interpreter S. C. D. E. F.

St. Augustine, E. F., July 12th, 1838.

Memorial and Grant to H. B. Martin.

No. 3.

Offered and read by U. States.

TRANSLATION.

SENOR GOBERNADOR:

Henry B. Martin, a new settler admitted under the protection of His Catholic Majesty, with due respect, presents himself to your excellency and says: That he intends to dedicate himself to the cultivation of lands; and, to carry his views into effect, he prays your excellency will be pleased to grant him four hundred acres of land in the Territory of Musquito, bounded on the south with the front of the lands granted to Don Ambrosio Hull, and following said front to the south, until the measurement of said four hundred acres be completed.

HENRY B. MARTIN.

St. Augustine of Florida, 3rd of September, 1803.

ST. AUGUSTINE, 3d of September, 1803.

Let there be granted to this party the lands which he solicits, without injury to a third person; and until such time when the number of workers he may have for its cultivation be ascertained, there shall be surveyed to him the quantity he may be entitled to; and that it be well understood that he shall take possession of said land within six months from this date.

WHITE.

A certificate was issued.

PIERRA.

[Here follows the certificate of Antonio Alvarez, keeper of the public archives at St. Augustine, E. F., written in the English language.]

I certify that the foregoing is a correct translation of a document written in the Spanish language.

JOHN M. FONTANE,
Translator and Interpreter S. C. D. E. F.

St. Augustine, July 12, 1838.

Memorial and Grant to Saml. Betts.

No. 4.

Offered and read by the U. States.

Senor GOBERNADOR:

Samuel Betts, a new settler admitted under the protection of H. C. M., with due respect, presents himself before your excellency, and says that he intends to dedicate himself to the cultivation of lands, with laborers he expects in a short time from the United States, as well as with negroes he thinks of purchasing. He therefore prays your excellency will be pleased to grant him, in the Territory of Musquito, two thousand acres of land, bounded on the south by lands granted to Don Ambrosio Hull, which are west of the place where the town of New Smyrna was situated.

St. Augustine of Florida, 6th July, 1803.

SAML. BETTS.

ST. AUGUSTINE, 7th July, 1803.

Let the engineer commandant report.

WHITE.

In compliance with the foregoing decree, I inform your excellency that the cultivation of the lands [prayed for by the petitioner,] and at the place pointed out by him, does not interfere with the defence of the province; and, the department of fortifications having no objections to interpose, there may be granted to the petitioner the number of acres which your excellency may deem proper; which is all that I have to report to your excellency, who will act upon the subject at your pleasure.

NICOLAS BARCELO.

ST. AUGUSTINE, 8th July, 1803.

Let there be granted to the party interested the land he solicits, without injury to a third person; and until such time when, according to the number of workers he may have for its cultivation, there shall be surveyed to him the quantity he shall be entitled to, and he shall take possession of the said land in six months from this date.

WHITE.

A certificate was issued.

PIERRA.

[Here follows the certificate of Antonio Alvarez, keeper of the public archives at St. Augustine, E. F., written in the English language.]

I certify that the foregoing is a correct translation from the Spanish language.

JOHN M. FONTANE,
Translator and Interpreter S. C. D. E. F.

St. Augustine, July 12th, 1838.

Proceedings of the Gov. assessing tax.

No. 5.

Offered and read by claimant.

Don Enrique White, Colonel of the Royal Armies, Civil and Military Governor, and Chief of the Royal Exchequer of this city of St. Augustine of Florida and its province, by His Majesty, &c.

Whereas the persons settled, [or established,] or who have plantations, on the other side of the new bridge, which is used to pass to the ferry, and who make more use of it, ought to contribute the sum of two hundred and five dollars, to pay, in part, the sum of seven hundred and fifty dollars, which the workmanship, materials, and every other thing necessary for the construction of said bridge, costs, by public contract, which is similar to the contribution which they made when said bridge was constructed of wood, and which is now of stone, the latter plan being adopted for its greater duration, for the said sum; and the balance for its complete payment having been made out of the city funds, and the departments of fines for preventing animals from running at large, which injure the fortification, as from fines arising when chimneys catching fire. All of which is done with the advice of the captains of the local militia, who exercise the powers of municipal officers. Now, therefore, in order to repay the said sum to the city funds, out of which the several payments were made to the contractor, I order and command that the persons named in the annexed list, signed with my hand, and countersigned by the undersigned escribano of government, do pay, within the precise term of fifteen days, to Don Bernardo Segui, Junior, whom I commission for its collection, the sums to each one respect-

ively pointed out; and when said collection shall have been made, the said commissioner shall make report thereof, in order that the amount due to the said city funds be made in due form.

St. Augustine of Florida, thirtieth of October, one thousand eight hundred and two.

WHITE.

By order of His Excellency.

JOSE DE LUBIZANETA,
Government Notary.

List of the individuals who are to contribute the sum of two hundred and five dollars to pay in part that of seven hundred and fifty dollars, which is the amount that the construction of the new bridge, leading to the ferry, cost. The individuals and the sums which each of them, respectively, have to pay for said contribution, are the following, to wit:

	Dolls.		Dolls
The house of Panton, Leslie & Company, - - -	40	Don Francisco Pellicer,	144 5
Dn. Augustin Buyck, for himself & his settlers of the 50,000 acres of land, south, -	30	Don Juan Bosquet, - - Don Gideon Dupont, - - Sergt. Bravo, - - -	5 5 5
Don Isaac Weeks, - -	20	Don Valentin Fitzpatrick, -	5
Don Jose Anto. Yguinez, -	6	Don Bartolo Suarez, - -	5
Don Antonio Huertas, - -	6	Don Francisco Marin, - -	5
Don Gaspar Pappy, - -	6	Don Matias Ponce, - -	4
Don Manuel Solano, - -	6	Don Francisco Richar, - -	4
Don Josè Pedro, de Burgo,	6	Don Vincente Mexia, - -	4
Don Bernardo Segui, - -	6	Don Hipolito Caster, - -	4
Don Thomas Travers, - -	6	Don Fernando Felany, - -	3
Don Martin Hernandez, -	6	Don Pedro Trope, - -	3
Don Ambrosio Hull, - -	6	Edinborough, [black man] -	4
	144		205

St. Augustine, October 30th, 1802.

WHITE

JOSE DE ZUBIZANETA,
Government Notary.

SENIOR GOBERNADOR:

In virtue of the appointment which your excellency was pleased to confer on me for the collection of the contributions to which the superior order of your excellency, and the list annexed thereto, relates, I have collected from the individuals, therein mentioned, the

sum to each one respectively pointed out, except from Don Valentin Fitzpatrick, Don Francisco Marin, Don Francisco Richard, Don Hipolito Carter, Don Fernando Felany, and Don Pedro Tropè, who did not pay; the first of whom, because he owns no lands on the other side; the widow of the second, because she is in indigent circumstances; and all the others, in consequence of the little use they make of the bridge, owing to the situation of their plantations, all of which I report to your excellency, and also that there is, in my possession, the sum of one hundred and eighty-one dollars, which is the amount collected, so that your excellency may act in the matter at your pleasure.

St. Augustine of Florida, 19th of January, 1804.

BERNARDO J. SEGUI.

I certify that the foregoing is a correct translation of the annexed document, written in the Spanish language.

St. Augustine, E. F., 16th July, 1838.

JOHN M. FONTANE,
Translator & Interpreter, S. C. D. E. F.

Receipt of Segui to Buyck for Tax.

No. 6.

Offered and read by claimant.

TRANSLATION.

Received from Don Francisco Robira, Attorney in fact for Don Augustin Buyck, thirty dollars, imposed upon him by the government for the construction of a bridge, being the proportion of his tax, in consequence of the grant of fifty thousand acres of land, and others which he possesses in this province. In testimony whereof, and for the security of the said party, and in virtue of the appointment made by the government for said collection, I sign these presents.

St. Augustine, of Florida, October 12th, 1803.

BERNARDO SEGUI.

I hereby certify that the foregoing is a correct translation of the annexed document written in the Spanish language.

St. Augustine, 16th July, 1838.

JOHN M. FONTANE.
Translator & Interpreter, S. C. D. E. F.

And afterwards, at the same term of July, in the year of our Lord one thousand eight hundred and thirty-eight, to wit: on Monday the eighth day of said term, and the tenth day of the month of September, the following entry of record was made in this cause, to wit:

Decree of the Court.

Ann Buyck, widow of Augustin Buyck, deceased, and heirs of said Buyck, *against* The United States of America.	Land claim, 50,000 acres.

Whereas, Ann Buyck, widow of Augustin Buyck, deceased, and heirs of said Buyck, did, in pursuance of the act of Congress of the United States, entitled "An act supplementary to the several acts providing for the settlement and confirmation of private land claims in Florida," and approved 23d day of May, 1828, on the 23d day of May, 1829, file their petition for the confirmation of certain land therein mentioned, in the clerk's office of the superior court for the eastern district of Florida: And, *whereas*, the attorney of the United States, for said district, did duly appear and file his answer to the said petition, and this cause having been heard, and evidence and argument of counsel, as well on the part of the said claimants as on that of the United States, having been offered and submitted to the court, and the court having examined the claim of the said petitioners, and the answer of the attorney of the United States, together with the evidence filed in this cause, and having maturely considered the same, doth *order*, *adjudge*, and *decree*, that this claim is *not valid*, and that in accordance with the laws and customs of Spain, and under and by virtue of the late "treaty of amity, settlement, and limits between the United States of America, and the King of Spain," ratified by the President of the United States, on the 22d of February, 1821, and under and by virtue of the laws of nations, and of the United States, it is hereby *ordered* and *decreed* that this claim be *rejected.*

And afterwards, to wit: on the twenty-fourth day of November, in the year of our Lord one thousand eight hundred and thirty-eight, the said claimants, by their said solicitor, brought and filed in the clerk's office aforesaid, their appeal from the foregoing decree to the Supreme Court of the United States; which said appeal is in the words and figures following, to wit:

Appeal.

Ann Buyck and others, *vs.* The United States.	Land claim, 50,000 acres. Rejected, July Term, 1838.

The claimants in the above entitled cause hereby appeal from the

decree of the superior court for East Florida, in the above named cause, to the Supreme Court of the United States.

D. LEVY, *Solicitor for Claimants.*

Dated St. Augustine, November 24th, 1838.

SUPERIOR COURT, *District of East Florida.*

I, Kingsley B. Gibbs, clerk of the said court for the district aforesaid, do hereby certify that the foregoing thirty-three pages contain a full, true, and complete transcript of the record and proceedings had in the case therein named in my charge.

In witness whereof, I have hereto set my hand, this twentieth day of April, in the year of our Lord one thousand eight hundred and thirty-nine.

K. B. GIBBS, *Clerk.*

By the Honorable Robert Raymond Reid, Judge of Superior Court for the District of East Florida: to all to whom these present shall come, be seen, or made known, greeting:

Know ye, that Kingsley B. Gibbs, who hath signed the foregoing attestation, is clerk of the superior court for the district of East Florida; that all due faith and credit are, and ought to be given to his acts as such, and that the foregoing attestation is in due form of law.

In testimony whereof, I have hereunto set my hand, and caused the seal of the said court to be hereunto affixed,
[SEAL.] this twentieth day of April, A. D. 1839, and of the Independence of the United States of America the sixty-third year.

ROBERT RAYMOND REID.